

**PLANNING COMMISSION MINUTES OF OCTOBER 24, 2005**

**2005-0643 and 2005-0645 – Pulte Homes** [Applicant] **Morton J Port Trustee; Joseph Dellamano Et Al** [Owners]: Application for related proposals on a 2.2-acre site located at **1047 North Fair Oaks Avenue** (near Weddell Dr) and a 1.5 acre site located at **508 Tasman Drive** (near Karlstad Dr) in an M-S/ITR/R3/PD (Industrial and Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (Mitigated Negative Declaration) (APNs: 110-14-170; 110-14-129) KD;

- **Special Development Permit** to allow the construction of 66 additional townhomes for a total of 234 units at Danbury Place, and
- **Tentative Map** to subdivide 2 lots into 12 lots for condominium purposes and 2 common lots.

**Kelly Diekmann**, Associate Planner, presented the staff report. He said staff is supporting both phases of this development. He noted several changes since the staff report was written. Staff had asked for a Condition of Approval (COA) for Danbury Place Phase III to provide an additional vehicular circulation connection to the existing Danbury I. He said the applicant has provided a connection that satisfies the COA. The second change is that the applicant recently presented information about Danbury II regarding tree preservation and the information was mistaken about the amount of trees being preserved. The report indicates that trees would be saved along the west property line and along the street on Fair Oaks. The applicant has indicated that because of the grading of the site to bring the area out of the flood plain, that the trees would not survive the development of the site and this part of the property will require new landscaping. The third correction to the staff report is in the height section of the project. The height for Danbury II of the project should be 44 feet instead of 48 feet, due to a change in architecture requested by staff. Danbury III will be 48 feet in height. Staff is supportive of the different architectural styles and noted the applicant's effort to address staff's concerns. Staff commented that Phase I of the project has a meandering sidewalk to protect trees. The applicant has proposed a meandering sidewalk on Karlstad Drive to be consistent with Phase I, except there are no trees to protect. There is a decision to be made regarding whether the sidewalk should be meandering, or to go with the Tasman and Fair Oaks Pedestrian Circulation Plan which requires a 10 foot sidewalk along the curb line which would be consistent with other sidewalks on Tasman and Fair Oaks. Staff recommends if the Commission does approve the 10 foot monolithic sidewalk that the applicant be allowed to propose a front-yard deviation of five feet, pulling the buildings closer to the street. He mentioned that the report addresses the potential for a slight vision triangle deviation at the corner of Karlstad and Tasman and that staff supports this deviation due to the applicant proposing intersection enhancements. The fourth change is to COA 17.A, with the intent of the condition being to reserve an emergency vehicle ingress/egress

access easement for the future, but not a full vehicular access easement at this time as Pulte is not in control of one of the neighboring parcels to the north. The suggested wording for this change will be provided prior to the end of this hearing.

**Comm. Simons** clarified that full access to the property to the north that is not controlled by Pulte, would be desired if it is acquired by Pulte. Otherwise the access would be for emergency vehicles only. Mr. Diekmann said that staff would like to reserve the opportunity for access.

**Comm. Moylan** asked about options regarding the meandering sidewalk versus the straight sidewalk. He asked if trees could be planted and the plans for the meandering sidewalk retained, as the straight sidewalk option seems to result in sidewalks far away from the buildings, the need to build more steps, or the approval of front-yard setback deviations. Mr. Diekmann said that planting trees and keeping the meandering sidewalk is one option and the straight sidewalk is another design option. **Trudi Ryan**, Planning Officer, commented that the pedestrian plan for this area suggests straight sidewalks on the street and the decision is really to either go with the pedestrian plan or continue the previous meandering sidewalk design. Comm. Moylan commented that either way, the Danbury III sidewalk design will be inconsistent with either the Phase I meandering sidewalk design or the pedestrian plan straight sidewalk design.

**Comm. Klein** asked about the Tentative Map and the south access going into Danbury III. He said on his site visit he noticed a fire hydrant that looked like it might need to be moved. Staff deferred this question to the applicant. Comm. Klein referred to COA 14.A and asked how the number of five guest parking spaces of Class II bicycle parking at the Community Center was determined. Mr. Diekmann said the number of bicycle parking spaces are a function of the townhome units determined from the Valley Transportation Authority (VTA) Bicycle Technical Guidelines. The bicycle parking spaces can be placed anywhere on the Danbury III site. Comm. Klein asked if there was bicycle parking near the pool. Staff deferred this question to the applicant.

**Comm. Moylan opened the public hearing.**

**Vince Contore**, applicant with Pulte Homes, said that this is an addition to the existing Danbury Place Phase I project and that Pulte Homes believes this is a proven market with proven demand in a great community. He addressed some of the previous questions brought up in the study session including the concern about providing additional access to Danbury III. He said they feel that by putting the private street through Danbury I to Danbury III that this concern is addressed. He commented that there are six to eight bike parking spaces at the Danbury I site and that they would be amenable to providing additional spaces at the Danbury II site next to the Community Room if there is space available. He said

if there are any questions that he and their architect, civil engineer and landscape architect are available for questions.

**Comm. Klein** asked the applicant if the fire hydrant near the driveway into Danbury III would need to be relocated. **Pete McFarland**, general architect with Pulte Homes, said the fire hydrant would be relocated.

**Comm. Simons** asked if Pulte Homes had any preference regarding the meandering or straight sidewalk. Mr. Contore said they have no preference, but that he thinks the interface on the previous project with the meandering sidewalk turned out very well and is favorable. Comm. Simons asked about the 10 foot straight sidewalk versus a narrower width. Mr. Contore said that ultimately this project will be very similar to the Danbury I project. Comm. Moylan commented that there are straight sidewalks around the corner on the Danbury 1 project.

**Comm. Moylan** acknowledged an e-mail provided for the Planning Commission's consideration from **Hormazd Commissariat**, a Sunnyvale resident, expressing his opposition and concerns about this project including permanent obstruction of view, increased traffic, decreased street parking and construction noise and nuisance. Ms. Ryan commented that the e-mail refers to the "construction of the extra 234 units" and clarified that this project is for an additional 66 units rather than 234 units. Ms. Ryan also provided a copy of the vesting Tentative Map for the Planning Commission's review as a copy of the Tentative Map was not included in the report.

**Comm. Moylan closed the public hearing.**

**Comm. Moylan reopened the public hearing.**

**Mr. Diekmann** provided the revised wording to the first paragraph of COA 17.A. The wording will read, "Offer reciprocal easement for emergency vehicle access ingress and egress between the Phase II subject site and the abutting property to the north. The easement shall be recorded if and when the reciprocal easement is also required of the abutting property to the north at the time it is redeveloped." Mr. Diekmann said that COA 17.A.1.,2.,and 3 will retain the original language. Mr. Contore reviewed the wording and said they are fine with the revisions to COA 17.A.

**Comm. Moylan closed the public hearing.**

**Comm. Sulser** moved to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions and straight sidewalks. **Comm. Simons** seconded.

**Comm. Simons** offered a Friendly Amendment to provide additional language to COA 10.K. to include "with an emphasis on large species

**native trees as appropriate for the different planting sites.” This was acceptable to the maker of the motion.**

**Ms. Ryan** asked the maker of the motion if the motion includes any consideration of a change of location of the building or would the building stay as located on the site plan with a potentially longer stairway. He said he would prefer the buildings closer to the sidewalk so the motion includes the front setback deviation.

**Comm. Sulser** said he thinks the addition of these two parcels will make the existing project better. He likes the addition of the Community Room and the new architecture for Phase II of the project.

**Comm. Klein** said that he was torn about this project, but that he likes all the changes, including the access to the project from the existing site and was pleased to see the issues brought up in study session addressed. He said he will be supporting the motion, would prefer the meandering sidewalks, but is not opposed enough to go against the project. He is glad to see the Community Room and hopes the applicant does obtain the fourth piece of land and to see Danbury IV.

**Comm. Simons** said he will be supporting the motion and that he is comfortable with the change in sidewalks across Karlstad, the setback deviation. He said that some cities are using the curvy sidewalks as a standard, but for now the Sunnyvale standard is the straight sidewalks and therefore the straight sidewalk is consistent. He said he agrees with Comm. Klein that the increased access from the different phases is a welcome addition.

**Comm. Moylan** said he would prefer the meandering sidewalk and feels that the meandering sidewalk would be consistent with the development next to this site. He said he is very much in favor of the project, but would like to have the motion be different and not include the additional front-yard setback deviation. He will not be supporting the motion.

**Comm. Sulser** said he is insisting on the straight sidewalk and the defined street edge because he feels it is more consistent with the pedestrian circulation plan which is more recent than the Danbury I project.

**FINAL ACTION:**

**Comm. Sulser made a motion on 2005-0643 and 2005-0645 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modifications: adding straight sidewalks; allowing for a Karlstad Drive front setback deviations; a change to the language in Condition of Approval (COA) 10.K to include “with an emphasis on large species native trees as appropriate for the different planting sites”; approval of staff language change to COA 17.A. to read “Offer a reciprocal easement for emergency vehicle access (EVA) ingress and egress between the Phase II subject site and the abutting property to the north. The easement shall be recorded if and when a reciprocal easement is also required of the abutting property at the time it is redeveloped.” Comm. Simons seconded.**

**Motion carried 3-1, Comm. Moylan dissenting, Chair Hungerford, Vice Chair Fussell and Comm. Babcock absent.**

**This item is appealable to the City Council no later than November 8, 2005.**